

REMARKS

Claims 1-17 are pending in the application. No claims have been allowed. Claims 1-17 stand rejected under a final Office Action mailed September 5, 2008 for the following reasons:

Claims 1, 4, 6-8, 14 and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nielsen, U.S. Patent No. 6,186,027.

Claims 2, 3, 10 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nielsen in view of Hand, U.S. Patent No. Re.19,386.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nielsen in view of Duda, U.S. Patent No. 2,287,343.

Claims 1, 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelbein, U.S. Patent No. 5,584,210 in view of Nielsen.

Claims 11-13 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelbein in view of Nielsen, further in view of Hand.

Claims 1-17 remain at issue.

Rejections Under 35 U.S.C. § 102(b)

Claim 1 as amended is directed to a clamp comprising a first arm having a distal end defining a first threaded through bore and a second arm having a second distal end defining a second threaded through bore. The first threaded through bore and the second threaded through bore are essentially coaxial and essentially the same inner diameter. Claim 1 further recites a screw comprising a head and a shank, the head being at one end of the shank and the shank having a threaded portion at a second end opposite the first end and a clearance portion between the threaded portion and the head. The screw is configured *for selective insertion in one of the first and second threaded through bores* so that with a threaded engagement between the threaded portion of the shank and *one* of the first threaded through bore of the first arm and the second threaded through bore of the second arm and the head abutting the other of the first and second arms opposite the threaded engagement, the clearance portion resides within the other of the first and second threaded through bores.

Claim 1 is amended to make it clear that the clamp provides for selective insertion in one of the first and second threaded through bores while still enabling the structure to perform a

clamping function. This structure has the advantage of allowing the clamp to function in the event either of the first or second threaded through bores becomes stripped simply by inserting the screw into the other through bore. This property is unambiguous by inclusion of the language screw being “the screw being configured *for selective insertion in one of the first and second threaded through bores*”.

Nielsen fails to anticipate Claim 1 because it fails to teach or suggest a structure enabling a screw to be selectively inserted in one of the first and second threaded through bores. Rather, Nielsen teaches a structure as depicted in Figure 3, where the screw 40 can only be inserted in the bore 42A and still perform a clamping function by engaging with the threads of the bore in 42B.

The examiner argues that Nielsen teaches that column 3 lines 25-28 the hole in the 42A may be threaded. While this is true, relevant sentence reads in its entirety as follows: “The hole in log 42A may, but need not be threaded, *but is sized so that screw 40 can be rotated therein*”.

The screw 40 illustrated in Fig. 3 is a conventional bolt where the threads are formed in a threaded portion having an outer diameter equal to an outer diameter of the non-threaded portion of the shaft. This non-threaded portion of the shaft is adjacent the head of the screw 40 depicted in Fig. 3. In order for the bolt 40 to be fully received in the axially aligned hole in the first arm 42A, this hole must have an inner diameter greater than the outer diameter of the threaded portion and the non-threaded portion of the screw 40. This is manifestly clear by the specification of Nielsen which, as noted above in italics, expressly states that the hole in log 42A “*is sized so that the screw 40 can be rotated therein*.” One skill in the art would readily understand that this means the hole in the arm 42A must have an inner diameter greater than the outer diameter of the screw 40, including the outer diameter of the clearance portion of the screw 40. Following the express teachings of Nielsen, therefore, Nielsen does not meet the limitation of the first threaded through bore and the second threaded through bore having “essentially the same diameter.” Further, Nielsen does not teach a structure where in the screw is configured “*for selective insertion in one of the first and second threaded through bores* so that with a threaded engagement between the threaded portion of the shank and one of the first threaded through bore of the first arm and the second threaded through bore of the second arm and the head abutting the other of the first and second arms opposite the threaded engagement, the clearance portion resides in the other of the first and second threaded through bores.” In other

words, Nielsen does not teach a structure wherein the screw 40 can be inserted in either of the threaded through bore 42A and 42B and function as a clamp. Specifically, the screw 40 could not be inserted into the threaded through bore in 42B because the clearance portion of the screw would interfere with the threads in 42B and the threads in 42A would be of too large of a diameter to engage the threads of the screw 40. Thus, for at least these reasons, Nielsen reconsideration and withdrawal of the rejection of Claims 1, 4 and 14, are respectfully requested.

Claim 6 is directed to a method of attaching a clamp to a frame that includes the limitation of engaging the screw with the clamp by selectively inserting the screw into one of the first and second threaded bores and screwing the threaded portion into threaded engagement with the second or first threaded bore, respectively. Thus, like Claim 1, Claim 6 requires a structure that will allow selective insertion of a screw into one of a first and second threaded bore to perform a clamp function. As discussed above with respect to Claim 1, Nielsen does not teach a structure allowing for selective insertion of a screw into one of the first and second threaded bores. Thus, Nielsen cannot anticipate Claim 6 or Claims 7, 8 and 15 which are dependent from Claim 6.

Claim Rejections – 35 U.S.C. § 103

Claims 2-3, 10 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nielsen in view of Hand. Claims 2 and 3 are dependent from Claim 1 and thus include the limitation of first threaded through bore and the second threaded through bore having essentially the same inner diameter and the feature of the screw being configured for selective insertion in one of the first and second threaded through bores allow threading engagement in the other second and first threaded through bores. Hand does not teach the limitation of first and second through bores having essentially the same inner diameter or the selective insertion feature. Furthermore, combining the bolt illustrated in Figs. 1, 2, 6 and 4 of Hand with Nielsen does not overcome the deficiencies of the teaching of Nielsen because the bolt could not be selectively inserted in each of the first and second threaded through bores and still perform the clamping function, primarily because Nielsen does not teach the first and second threaded through bores having essentially the same inner diameter. Thus, reconsidering and withdrawal of these grounds of rejection are requested.

Claim 10 directed to a method of manufacturing a symmetrical clamp structure and includes the limitations of forming identical co-axial cylindrical threaded through bores through

the distal ends of first and second arms and assembling the clamp by selectively threadably engaging the screw with one of the first and second threaded through bores such that the head abuts the arm opposite the threaded engagement and the clearance portion clears the threads of the threaded bore opposite the threaded engagement. Thus, Claim 10 is similar to Claim 1 from the standpoint that it requires the screw be selectively threadably engaged with one of the first and second threaded through bores. As discussed above with respect to Claim 1, Nielsen does not teach identical co-axial cylindrical threaded bores or the possibility of selective threaded bore engagement required in Claim 10. As discussed above with respect to Claims 2 and 3, Hand does not overcome these deficiencies in the teaching of Nielsen. Accordingly, applicant respectively requests reconsideration and withdrawal of the rejection of Claim 10 and Claim 16, which is dependent there from.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nielsen in view of Duda. Claim 9 is dependent from Claim 6 which is discussed above. Claim 9 further recites removing the screw from threaded engagement with either of the first and second arms and engaging and tightening the screw in an opposite orientation such that the screw is threadably engaged with the other arm. As discussed above with regard to Claim 6, Nielsen fails to teach a structure that allows removing the screw from threaded engagement with either of the first and second arms and engaging and tightening the screw in an opposite orientation such that the screw is threadably engaged with the other arm. Duda similarly fails to teach such a structure. Accordingly, reconsideration of withdrawal of the rejection of Claim 9 are respectively requested.

Claims 1, 4 and 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Gelbein in view of Nielsen. In framing rejection of Claims 1, 4 and 5, the examiner concedes that Gelbein does not disclose both first and second threaded through bores wherein the first threaded through bore and the second threaded through bore are essentially coaxial or a screw having a clearance portion being configured for selective axial insertion in one of the first and second threaded through bores to still perform the clamp function. As discussed above with respect to rejection of Claim 1 under 35 U.S.C. § 102(b) over Nielsen, Nielsen does not teach these critical elements either. Accordingly, applicant respectively requests reconsideration and withdrawal of the rejection of Claim 1 and Claims 4 and 5, which are dependent from Claim 1.

Claims 11-13 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelbein in view of Nielsen, further in view of Hand. Claims 12, 13 and 17 are dependent from Claim 11. Claim 11, like Claim 1, recites first and second threaded through bores being essentially coaxial and essentially of the same inner diameter and a screw configured for selective insertion in one of the first and second threaded through bores perform the clamping function. As discussed above, Nielsen fails to teach these limitations of Claim 11. Furthermore, neither Gelbein nor Hand in combination with Nielsen teaches these limitations. Accordingly, reconsideration and withdrawal of the rejection of Claims 11-13 and 17 are respectively requested.

In summary, applicant respectfully submits that Claims 1-17, as amended, are patentable over the applied art and prompt issuance of a Notice of Allowance is respectfully requested. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefor to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to deposit account No. 19-5117.

Respectfully submitted,

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